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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,566	03/26/2005	Per Johansson	2539LN.ch	9236
21254 7590 09/18/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER KIM, CHRISTOPHER S	
			ART UNIT 3752	PAPER NUMBER
			MAIL DATE 09/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/510,566

Applicant(s)

JOHANSSON, PER

Examiner

Christopher S. Kim

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3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 3, 2007 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "...the electronic circuit is connected to a circuit for regulating one or more valves for adjusting the measured pressure..." recited in claim 1; the "energy section or battery section adjacent to the nozzle" recited in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 14 further defines the intended use of the device.

***Claim Rejections - 35 USC § 112***

5. Claims 1-14, 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "...for monitoring and/or regulating of gas or liquid occurring in one or more ducts in the nozzle, or mixtures of gases, or mixtures of liquids, or mixtures of gases and liquids in a spray gun..." There are two possible interpretations:

First interpretation

...for monitoring and/or regulating of

- (1) gas or liquid occurring in one or more ducts in the nozzle, or
- (2) mixtures of gases, or
- (3) mixtures of liquids, or
- (4) mixtures of gases and liquids in a spray gun...

Second interpretation

...for monitoring and/or regulating of

- (1) gas or liquid occurring in one or more ducts in the nozzle, or
- (2) mixtures of gases a spray gun, or
- (3) mixtures of liquids, or
- (4) mixtures of gases and liquids

in a spray gun...

In the first interpretation, "in a spray gun" only references alternative (4). In the second interpretation, "in a spray gun" references each of the alternatives. In either case, the

reference "a pressure indicator mounted at an end of said one or more ducts" renders the claim indefinite for alternatives (2) through (4).

Claim 2 recites the limitation "...said one or more ducts in the nozzle comprises a plurality of ducts, which comprises one liquid duct and a plurality of gas ducts..." The claim is indefinite where the "one or more ducts" defines "one duct." The claim is indefinite wherein only gas occurs in the one or more ducts (possible configuration defined in claim 1).

Claim 4 recites, "...for executing thousands of measurements per second for realizing as exact and rapid a regulation as possible..." The metes and bounds of the claim cannot be determined. Claims 8 and 9 contain similar recitations.

Claim 6 recites the limitation " measurement pressure" in line 3. It appears to be a double inclusion of the "measured pressure" recited in claim 1. Claims 10-13 contain similar recitations.

Claim 6 recites, "...transferred to peripheral equipment." The preamble recites, "a device in a nozzle..." (subcombination) but the recitation "peripheral equipment" defines a combination of the device in a nozzle and a peripheral equipment. Claims 10-13 contain similar recitations.

Claim 14 recites, "...said mixtures of gases, or mixtures of liquids, or mixtures of gases and liquids, comprises a mixture of gas, which comprises air or a mixture of liquids, which comprises paint, or a mixture of gases and liquids, which comprises one of air and paint. At least one permutation defines liquid as a gas which is a liquid. The contradictions in state of matter renders the claim indefinite.

Claim 19 recites, "...said one or more ducts comprises a plurality of ducts, which comprises a gas duct and a plurality of liquid ducts." The claim is indefinite where the claim defines one duct.

***Claim Rejections - 35 USC § 102***

6. Claims 1, 3, 6, 11, 14, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohhashi et al. (4,556,815).

Ohhashi discloses a nozzle 2 having a duct 27; a pressure indicator 20; an electronic circuit 21; a circuit 17, 18, 19; a valve 5.

Regarding claim 3, the manner in which the "circuit" is intended to be employed, "for converting an analog signal to a digital signal," does not distinguish the claimed invention from the prior art which discloses the claimed structural elements.

***Claim Rejections - 35 USC § 103***

7. Claims 4-5, 9, 12, 13, 16, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohhashi et al. (4,556,815).

Regarding claims 4 and 9, the manner in which the "processor" is intended to be employed, "for executing thousands of measurements per second for realizing as exact and rapid a regulation as possible," does not distinguish the claimed invention from the prior art which discloses the claimed structural elements.

Ohhashi discloses the limitations of the claimed invention with the exception of the processor, data medium and IR or Blue Tooth. These components are well known

in the art. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have utilized modern day computer technology in the device of Ohhashi for speed and convenience.

Regarding claims 16 and 20, Ohhashi discloses the claimed invention with the exception of the plurality of pressure indicators. Doing so is a mere duplication of parts. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a plurality of pressure indicators in the device of Ohhashi for backup.

### ***Response to Arguments***

8. Applicant's arguments filed January 30, 2007 have been fully considered but they are not persuasive.

Regarding applicant's argument directed to the intended use of the pressure indicator, the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

Regarding applicant's argument that Ohhashi's does not teach a pressure sensor in the duct of the nozzle tip, applicant interprets Ohhashi inconsistent with that of the Office action.

Applicant argues that figure 9 shows the circuit for regulating one or more valves

19. Figure 9 fails to show "...the electronic circuit is connected to a circuit for regulating



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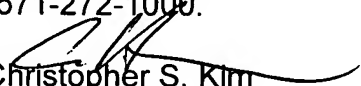
one or more valves for **adjusting a measured pressure...**" Figure 9 does not show the circuit regulating one or more valves for adjusting a measured pressure.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Christopher S. Kim  
Primary Examiner  
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CK